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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,192	09/25/2006	Mette Gronborg	19313-015 NATL	5685
36623 7590 03/31/2009 MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C ONE FINANCIAL CENTER BOSTON, MA 02111				
EXAMINER HAYES, ROBERT CLINTON				
ART UNIT		PAPER NUMBER		
1649				
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03/31/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/594,192

Applicant(s)

GRONBORG ET AL.

Examiner

Robert C. Hayes, Ph.D.

Art Unit

1649

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 65-72, 89-94, 98-109 and 113-127 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 65-72, 89-94, 98-109 and 113-127 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Groups I-XV, claim(s) 65-72, drawn to implantable biocompatible cell device comprising transfected cells encoding the polypeptides of SEQ ID NOs: 3, 4, 5, 8, 9, 10, 13, 14, 15, 19, 20, 21, 22, 23 or 24. Note that each separate cell encoding a specific and distinct SEQ ID NO must further be elected to be fully responsive to this restriction (i.e., not species) election requirement.

Group XVI, claim(s) 89-91, drawn to methods of treating immunological disorders with a polypeptide of SEQ ID NO: 3, 4, 5, 8, 9, 10, 13, 14, 15, 19, 20, 21, 22, 23 or 24.

Group XVII, claim(s) 89-91, drawn to methods of treating immunological disorders with a nucleic acid encoding a polypeptide of SEQ ID NO: 3, 4, 5, 8, 9, 10, 13, 14, 15, 19, 20, 21, 22, 23 or 24.

Group XVIII, claim(s) 92-94 & 98-106, drawn to methods of treating nervous system disorders with a polypeptide of SEQ ID NO: 3, 4, 5, 8, 9, 10, 13, 14, 15, 19, 20, 21, 22, 23 or 24.

Group XIX, claim(s) 92-94 & 98-106, drawn to methods of treating immunological disorders with a nucleic acid encoding a polypeptide of SEQ ID NO: 3, 4, 5, 8, 9, 10, 13, 14, 15, 19, 20, 21, 22, 23 or 24.

Group XX, claim(s) 107, drawn to methods of generating a neuron from a neuronal stem/precursor cell comprising exposing the cells to a polypeptide of SEQ ID NO: 3, 4, 5, 8, 9, 10, 13, 14, 15, 19, 20, 21, 22, 23 or 24.

Group XXI, claim(s) 108-109, drawn to methods of expanding or differentiating mammalian cells comprising exposing the cells to a polypeptide of SEQ ID NO: 3, 4, 5, 8, 9, 10, 13, 14, 15, 19, 20, 21, 22, 23 or 24.

Group XXII-XXX, claim(s) 108-109, drawn to methods of expanding or differentiating mammalian cells comprising exposing the cells to a nucleic acid encoding a polypeptide of SEQ ID NO: 3, 4, 5, 8, 9, 10, 13, 14, 15, 19, 20, 21, 22, 23 or 24.

Group XXXI-XXXIX, claim(s) 113-123, drawn to isolated polypeptides of SEQ ID NOs: 3, 8, 13, 19, 20, 21, 22, 23 or 24. Note that a separate and distinct SEQ ID NO must further be elected to be fully responsive to this restriction (i.e., not species) election requirement.

Group XL-XLVIII, claim(s) 113-123, drawn to isolated polynucleotides encoding the polypeptides of SEQ ID NOs: 3, 8, 13, 19, 20, 21, 22, 23 or 24. Note that a separate and distinct SEQ ID NO must further be elected to be fully responsive to this restriction (i.e., not species) election requirement.

2. The inventions listed as Groups I-XLVIII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group I-XV are directed to an implantable biocompatible cell device comprising transfected cells encoding the polypeptides of SEQ ID NOs: 3, 4, 5, 8, 9, 10, 13, 14, 15, 19, 20,

21, 22, 23 or 24, respectively, which is the first product. However, because Innogenetics (WO 01/39786 A) teach implantable devices comprising cells expressing these polypeptides, which meets the recited claim limitations, no special technical feature exists for Group I-XV as defined by PCT Rule 13.2, because it does not define a contribution over the prior art. Groups XVI-XXX are drawn to methods having different goals, method steps and starting materials, which do not require each other for their practice and do not share the same or a corresponding technical feature. Note that PCT Rule 13 does not provide for multiple products or methods within a single application. Because the technical feature of Group I-XV is not a special technical feature, and because the technical features of the Group XVI-XLVIII inventions are not present in the Group I claims, unity of invention is lacking.

3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Robert Hayes whose telephone number is (571) 272-0885. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Stucker, can be reached on (571) 272-0911. The fax phone number for this Group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Robert C. Hayes, Ph.D./

Primary Examiner, Art Unit 1649

March 13, 2009